

REMARKS

Claims 1-33 are pending in the present application. No claims were added or canceled; claims 1 and 9 were amended. Reconsideration of the claims is respectfully requested.

Applicants would like to thank the Examiner for his courtesy in holding a telephone conference with Applicants' Representative on June 29, 2005. During the telephone conference, the Examiner and Applicants' Representative discussed the patentability of the currently pending claims in light of Barber et al. (U.S. Patent No. 5,751,286) in view of McLaughlin et al. (U.S. Patent No. 6,501,779).

I. 35 U.S.C. § 101, Claims 1-7

The Examiner has rejected claims 1-7 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In the Office Action, the Examiner states:

The language of the claims raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Office Action dated April 8, 2005, page 2.

The phrase "in a data processing system" has been added to claim 1 so that claim 1 now recites, "A method in a data processing system..." As claims 2-7 depend from claim 1, Applicants believe that this amendment overcomes the Examiner's objections to claims 1-7 under 35 U.S.C. 101. Applicants therefore respectfully request that the objection under 35 U.S.C. 101 be withdrawn.

II. 35 U.S.C. § 103(a), Obviousness, Claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33

The Examiner has rejected claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Barber et al. (U.S.

Patent No. 5,751,286) (hereinafter "Barber") in view of McLaughlin et al. (U.S. Patent No. 6,501,779) (hereinafter "McLaughlin"). This rejection is respectfully traversed.

With regard to claims 1, 8, and 15, the Examiner states:

As per claims 1, 8 and 15, Barber teaches a computer implemented method and corresponding system for presenting graphical data to a user comprising the steps/means:

analyzing a set of graphic data to determine a set of critical factors present in the graphical data to form determined critical factors (col. 6, line 30 – col. 7, line 13);

ranking the determined critical factors according to respective priorities set for each of the critical factors (col. 14, lines 44-67); and

Barber teaches generating a set of graphical data, ordered according to the priorities of each of the respective critical factor (col. 14, lines 65-67 and col. 9, lines 57-61). However, Barber does not disclose a textual description of the set of graphical data. McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (e.g. col. 4, lines 3-9). It would have been obvious to an artisan at the time of the invention to use the teaching from McLaughlin of providing a textual description of the set of graphical data in Barber's system since it would enable Barber's system to be used by sight impaired people.

Office Action dated April 8, 2005, page 3.

Furthermore, the Examiner also states:

10. Referring to independent claims 1, 8, and 15, applicant argued that Barber does not teach generating a set of graphical data, ordered according to the priorities of each of the respective critical factors.

Applicant's arguments have been fully considered but they are not persuasive. Barber still reads on the language of claims 1, 8 and 15. Barber's image query system analyzes *a set of graphical data* from the database (*a set of graphical image* from the image database 36 of fig. 1) to determine *a set of critical factors* present in the graphical data (*image data representation* 35 of fig. 1; col. 5, lines 52 – col. 6, line 28 and col. 6, line 61 – col. 7, line 13). The critical factors are ranked according to respective priorities set for each of the critical factors (*image query constructions*, col. 7, lines 6-25). Finally, generating the set of graphical data ordered according to the priorities of each of the respective critical factors (*results list* 80; e.g. col. 8, lines 46-55).

Office Action dated April 8, 2005, page 7.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972

F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Amended independent claim 1, which is representative of amended independent claims 8 and 15, recites:

1. A method in a data processing system for presenting graphical data to a user, comprising the steps of:
 - analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors;
 - ranking the determined critical factors according to respective priorities set for each of the critical factors; and
 - generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors.

Barber does not teach or suggest all of the features in claim 1. Barber teaches a process wherein an image query is built from thumbnails that are dropped into a selection window. The thumbnails are definitions of image characteristics. The query engine converts the information from the thumbnails into image characteristic values. Thus, the query constructed is in terms of the values of the image characteristics of interest. (see Barber, col. 6, line 30 – col. 7, line 13). Each image to be queried has a stored data representation in which the image is broken into areas of interest, or masks. The calculated values for the image characteristics of each mask are stored in the data representation. (see Barber, col. 6, line 30 – col. 7, line 13). When a query is performed, the image characteristic values obtained from the thumbnails are compared to the values for the corresponding image characteristics contained in each mask of the data representation. This gives a composite distance score for each mask, or area of the image. The scores for all areas are tallied, yielding a composite distance, or global score. The stored images are then ranked by this total score. (see Barber, col. 7, line 47 – col. 8, line 48; and col. 14, lines 47 -66).

Claim 1 of the present invention recites the feature of ranking the determined critical factors according to respective priorities set for each of the critical factors. The Examiner alleges that this feature is found in column 14, lines 44 through 67 and column 7, lines 6 through 25, of Barber, which are reproduced below:

- (i) For each image in the collection, compute its similarity score:
 - (a) For each area specified in the query, compute a positional feature score that compares the area's similarity to the image areas computed in Step 3. This score combine both features along with positional similarity so that areas with similar features get higher scores, dissimilar features get lower scores, and areas positionally close get higher scores, and areas positionally far get lower scores. The result is a score, for each query area, of its positional feature similarity within this image. The highest scores will be obtained by areas both positionally close and with similar features. Indexing techniques could be used to increase the performance of searching for the "best" matches.
 - (b) Combine the scores for all query areas to give a global score for the image.
 - (c) Rank the images by their global scores and return, as the results of the query, the images with the best scores.

(Barber, col. 14, lines 44-67)

Later, when a query is assembled, an object/thumb nail procedure described below is employed to construct a description (a "sample image") of the images which a user wishes to retrieve from the image database, with the query being constructed in terms of values of the image characteristics of interest. The query is used to find images in the database with image characteristic values that are similar to those included in the sample image. To do a query, the QBIC engine 32 converts pictorial query information (e.g., the information from the thumbnails and their location) from the image query window into image characteristic values.

FIG. 4 illustrates diagrammatically the essential process for image query construction and execution where the query is composed by dragging and dropping thumbnails. Initially, a query is assembled by dragging and dropping characteristic thumbnails in the image query window 23. The deposit of a thumbnail creates an object 70. A thumbnail may overlap other thumbnails within the same object. For example, in the object 70, thumbnails for shape (in SPARMS, such as S1.sub.q, S2.sub.q, S3.sub.q, . . .), category (spires), color (in color components, such as R.sub.q, G.sub.q, B.sub.q), and texture (in TPARMS, such as T1.sub.q, T2.sub.q, T3.sub.q) overlay each other within a bounding rectangle which defines the object 70.

(Barber, col. 7, lines 2-26)

The first cited passage, column 14, lines 44 through 67, teaches getting a global score for an image and then ranking the images examined by this total score. While the

above cited passage does teach ordering graphical data, the passage does not teach ranking the determined critical factors according to respective priorities set for each of the critical factors. The sorting of images from best match to worst match is achieved by ranking the images' global scores. A global score is neither a critical factor nor is it a respective priority set for each of the critical factors. Rather, a global score is the sum of the relational scores for each item of data in a set of graphical data compared to a corresponding item of data in base set of graphical data. (see Barber, col. 14, lines 44-64). The results arrived at under Barber are ordered according to a total score, which is based on several factors, but the factors themselves are not prioritized. That is, as taught by Barber, no single factor is more important to have than any other, as the total score for each image is used to rank the images, rather than ranking the factors.

Furthermore, in column 14, lines 66-67, cited above, Barber states that images are ranked by their global score. The Examiner seems to be equating an image with "critical factors" and ranking the image as "ranking the critical factors." However, when discussing other features of claim 1, the Examiner has equated the thumbnails, as taught by Barber, as being equivalent to "critical factors," as that term is used in claim 1 of the present invention. Barber teaches, in column 6, line 30 through column 7, line 13, reproduced below, that thumbnails are definitions of image characteristics and that the values of these characteristics are used to construct a query:

Thumbnail data representations (definitions) which are used in the first embodiment of the invention are stored as described with reference to FIG. 1, and have the general form illustrated in FIG. 3. In FIG. 3, thumbnail definitions for color, texture, size, shape, and category are indicated, respectively, by reference number 60, 62, 64, 66 and 68. Each thumbnail definition represents one of a plurality of thumbnail definitions for a particular referenced characteristic. For example, the thumbnail definition 60 is a data representation for a color thumbnail which may be denoted as a thumbnail M representing a color M. In this regard, M would be the identity of a thumbnail contained in a color characteristic window presented on the display 13 in FIG. 1 during query construction. The definition for the color thumbnail M is a data structure indexed by the identity of the color thumbnail and including average intensity values for the red, green and blue component of the color M. The definition 62 for texture thumbnail P denoting a smooth texture includes the identity (P) for the smooth texture thumbnail and a data representation for a smooth texture. The data representation can, for example, be represented by a set of texture parameters including coarseness, contrast and directionality.

Similarly, the size thumbnail Q represents the size of a pixellated area; the shape thumbnail S can include a data representation using an algebraic moment invariant; and, the spire category thumbnail includes, for example, the text "spire" or additional textural annotation. Note that a layout thumbnail is not required since the location of the bounding rectangle of any thumbnail in the image query window 23 would be available through the window control 22 to the query engine 32.

It should be evident that at least the characteristics of color, texture, size and shape are quantifiable. As discussed above with respect to FIG. 2, each image in the database has a corresponding data representation in which the calculated values for these characteristics are stored for each defined region of interest (mask) in the image. For every mask, specific values for the image characteristics describing visual properties for the mask are calculated and entered into the data representation. Later, when a query is assembled, an object/thumb nail procedure described below is employed to construct a description (a "sample image") of the images which a user wishes to retrieve from the image database, with the query being constructed in terms of values of the image characteristics of interest. The query is used to find images in the database with image characteristic values that are similar to those included in the sample image. To do a query, the QBIC engine 32 converts pictorial query information (e.g., the information from the thumbnails and their location) from the image query window into image characteristic values.

[Emphasis added]

In view of the above, if thumbnails are critical factors, then the images themselves cannot be a critical factor, as the image is not a thumbnail as defined in Barber. Thus, the above cited passage, which teaches that sorting of images from best match to worst match is achieved by ranking the images' global scores, cannot teach the feature of ranking the determined critical factors according to respective priorities set for each of the critical factors, as recited in claim 1 of the present invention.

The second cited passage, column 7, lines 2 through 26, also does not teach ranking the determined critical factors according to respective priorities set for each of the critical factors. Instead, the above cited passage of Barber merely teaches that a query is created by dragging and dropping thumbnails into a query window. The collection of deposited thumbnails creates an object. The thumbnail descriptions are assembled into a query for the object and the QBIC engine converts these descriptions into image characteristic values that are used for determining matches.

Additionally, Barber states in column 7, lines 3 through 43 that when the query is assembled, parameters are included "in any order appropriate to the design".

The QBIC engine 32 then assembles a query whose predicate includes a portion for each object contained in the query window. Each object portion of the query predicate includes, in any order appropriate to the design, parameters which correspond to the set of image characteristics.

Therefore, as column 7, lines 3 through 43 teaches constructing the query in any order, it follows that Barber does not teach ranking the determined critical factors according to respective priorities set for each of the critical factors.

Also, claim 1 recites the feature of generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors. The Examiner points to column 14, lines 65 though 67, column 9, lines 57 through 61, Figure 4, results list 80, and column 8, lines 46 through 55, as teaching generating the set of graphical data ordered according to the priorities of each of the respective critical factors. Column 14, lines 65 though 67 is cited above. Column 9, lines 57 through 61, Figure 4, results list 80, and column 8, lines 46 through 55 are reproduced below:

The order of the returned images is preferably sorted from best to worst match, and the number of images return can be controlled by manipulation of the thumbnail attributes of weight and distance described above.

(Barber, col. 9, lines 57-61)

As the QBIC engine 32 executes the query, it assembles a results list 80 which identifies images and ranks them according to their composite distance values. The results list 80 may include all images or only a prespecified number of the closest images. The results list 80 indexes to the images stored at 36, and is passed by the QBIC engine 32 to the window control 22. The window control 22 retrieves the images in the results list from the image storage 36 and formats them appropriately for display in a results *window on the display 13.

(Barber, col. 8, lines 46-55)

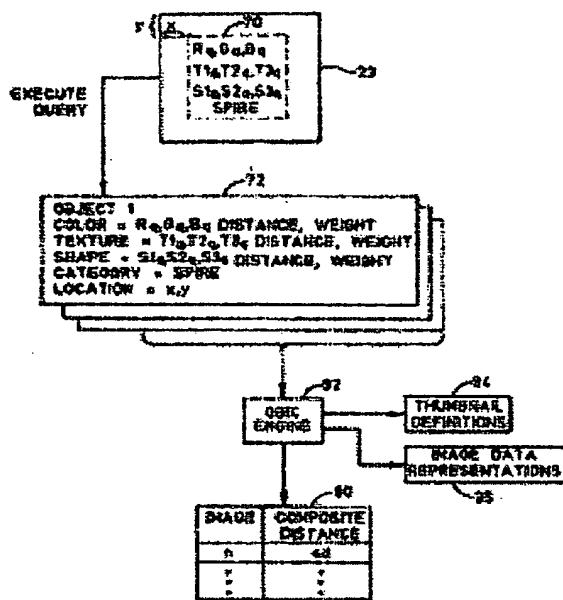


FIG. 4

The above cited passages and Figure 4 of Barber do not teach generating the set of graphical data ordered according to the priorities of each of the respective critical factors, as alleged by the Examiner. Instead, column 14, lines 65 through 67 teaches that images are **ranked by their global score** and the images with the best scores are returned as a result of a query as previously discussed. Column 9, lines 57 through 61 merely teaches sorting the matches from best match to worst match. Column 8, lines 46 through 55 teaches that results list 80, of Figure 4, contains a list of images for a query, **sorted according to their composite distance value**. A global score is the sum of the composite distance values for the various sectors of the image being checked (see Barber, col. 14, lines 47-64, cited above). The composite distance value is the sum of the Euclidean distances between the calculated image characteristics and the value for the corresponding thumbnail characteristics. The thumbnail characteristics are not ranked or sorted in any order; they are simply built into the equation depending on what thumbnails were selected by the user. Consequently, Barber does not teach generating a textual

description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, as recited in claim 1 of the present invention.

Additionally, McLaughlin does not cure the deficiencies of Barber. McLaughlin does not teach or suggest the features missing from Barber, including ranking the determined critical factors according to respective priorities set for each of the critical factors, and generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, nor does the Examiner point to any portion of McLaughlin that teaches these features.

The Examiner points to the following passage of McLaughlin as teaching generating a textual description of the set of graphical data:

The web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data. A remote deaf user may read and select different options that previously were available only in an automated telephone service. A remote deaf user may access web sites across a PSTN and use the services of an automated system that were previously unavailable.

(McLaughlin, col. 4, lines 3-9).

While McLaughlin may teach generating a textual description of the set of graphical data, McLaughlin still does not teach generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors as recited in claim 1 of the present invention. No critical factors are present or used in McLaughlin. As there are no critical factors, it follows that the textual description of the set of graphical data cannot be ordered according to the priorities of each of the respective critical factors. Therefore, McLaughlin does not teach generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors.

Thus, even if one were to combine the teachings of Barber and McLaughlin, the resulting combination would not teach generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors. Instead, the resulting combination would teach generating a textual description of the set of images, ranked from highest global score to lowest global score. Therefore,

the combination of Barber and McLaughlin still would not reach the presently claimed invention.

Furthermore, McLaughlin does not teach the other features missing from Barber, such as ranking the determined critical factors according to respective priorities set for each of the critical factors. As cited above and in the Abstract, McLaughlin teaches "web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data." McLaughlin does not teach analyzing data to determine critical factors, nor does McLaughlin teach ranking critical factors.

Therefore, for all the reasons set forth above, the combination of Barber with the McLaughlin reference would not reach the presently claims invention as recited in claim 1. Claims 1, 8 and 15 are patentable over the cited references because the combination of the Barber reference with McLaughlin would reach the presently claimed invention.

Claims 2, 3, 6, 22, 23, 28 and 31 are dependent claims depending on claim 1. Claims 9, 10, 13, 24 and 32 are dependent claims depending on claim 8. Claims 16, 17, 20, 25, 26 and 33 are dependent claims depending on claim 15. As Applicant has already demonstrated that independent claims 1, 8 and 15 are patentable over the Barber and McLaughlin references, Applicant submits that dependent claims 2, 3, 6, 9, 10, 13, 16, 17, 20, 22-26 and 31-33 are patentable over the Barber and McLaughlin references at least by virtue of depending from an allowable claim. Additionally, claims 2, 3, 6, 9, 10, 13, 16, 17, 20, 22-26 and 31-33 claim other additional combinations of features not suggested by the reference.

For instance, claims 2, 9, and 16 recite wherein the set of critical factors and the textual description are selected according to a selected mode. The Examiner alleges that this feature is found in the following cited sections of Barber:

The example image window 90 includes a image query (iq) icon 89 on which user may "click" to begin an image query. Alternately, a query object may be dragged to the image query icon 89 or an appropriate command may typed into a command line (not shown).

(Barber, col. 9, lines 1-4).

In order to generate a query based on the thumbnails 100 and 106 dropped in the example image window 90, a RUN QUERY option is selected.

(Barber, col. 9, lines 41-43).

The first passage cited above, column 9, lines 1 through 4, teaches that in order to begin building an image query, a user has three options: click the image query icon, drag a query object to the image query icon, or type a command into a command line. The second passage cited above, column 9, lines 41 through 43, teaches that in order to execute, or perform, the query that the user has just constructed, the user needs to select the RUN QUERY option. Neither of these passages teaches wherein the set of critical factors and the textual description are selected according to a selected mode. At best, the above cited passages teach that there is a mode of operation in which the user can choose, manually, what the critical factors are. Nowhere do the cited passages teach that the set of critical factors and the textual description are selected according to a selected mode. Thus, Barber does not teach the feature of wherein the set of critical factors and the textual description are selected according to a selected mode, as recited in claims 2, 9, and 16 of the present invention.

Claims 6, 13, and 20 recite wherein said priorities of each of the respective critical factors is determined in accordance with said selected mode. The Examiner alleges that this feature is found in column 9, lines 1 through 4, of Barber, cited above. As was previously discussed, column 9, lines 1 through 4, teaches that in order to begin building an image query, a user has three options: click the image query icon, drag a query object to the image query icon, or type a command into a command line. The passage does not teach anything about the priorities of critical factors or that said priorities of each of the respective critical factors is determined in accordance with said selected mode. Thus, Barber does not teach the feature of wherein said priorities of each of the respective critical factors is determined in accordance with said selected mode, as recited in claims 6, 13 and 20 of the present invention.

Therefore, the rejection of claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33 under 35 U.S.C. § 103(a) has been overcome.

III. 35 U.S.C. § 103, Obviousness, Claims 3, 10, and 17

The Examiner has rejected claims 3, 10 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of McLaughlin. This rejection is respectfully traversed.

As to claims 3, 10, and 17 the Examiner states:

As per claims 3, 10 and 17, modified Barber does not disclose the mode is selected according to a URL associated with the set of graphical data. The Examiner takes Official Notice that since Barber's system is that of retrieving images from an online image database (col. 2, lines 37-38), it is well known in the computer art that the selected mode is selected according a URL associated with the set of graphical data. It would have been obvious to an artisan at the time of the invention to select the mode according to a URL associated with the set of graphical data in modified Barber's system since it would make the system adaptable to the Web/Internet technology.

Office Action dated April 8, 2005, pages 4-5.

Claims 3, 10, and 17 are dependent claims depending from independent claims 1, 8, and 15, respectively. The Barber reference still does not teach or suggest all the claim limitations in claims 3, 10, and 17, as argued in the response to the rejection of claims 1, 8, and 15 above.

Additionally, as argued above in the response to the rejection of claim 1, McLaughlin does not cure the deficiencies of Barber. McLaughlin does not teach or suggest the features missing from Barber, including analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors, ranking the determined critical factors according to respective priorities set for each of the critical factors, and generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, nor does the Examiner point to any portion of McLaughlin that teaches these features.

Thus claims 3, 10, and 17 are patentable over the cited references because the combination of Barber in view of McLaughlin would not teach the presently claimed invention. The features relied upon as taught in the Barber reference are not taught or suggested by that reference, as explained above. As a result, a combination of these references would not teach the claimed invention in claims 3, 10, and 17.

Therefore, the rejection of claims 3, 10 and 17 under 35 U.S.C. § 103(a) has been overcome.

IV. 35 U.S.C. § 103, Obviousness, Claims 4, 5, 11, 12, 18, and 19

The Examiner has rejected claims 4, 5, 11, 12, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Hasser et al. (U.S. Patent No. 5,736,978) (hereinafter "Hasser"). This rejection is respectfully traversed.

As to claims 4, 5, 11, 12, 18 and 19 the Examiner states:

As per claims 4 and 5, modified Barber does not disclose the step of generating said textual description further comprises the step of generating said contextual rendition in an aural format and in a tactile format. Hasser teaches the communication of graphic data provided by tactile sensing and audio related user aids (col. 4, liens 55-63). It would have been obvious to an artisan at the time of the invention to use the teaching from Hasser of providing the communication of graphic data by tactile sensing and audio related user aids in Barber's system since it would enable modified Barber's system to be used by sight impaired people.

Office Action dated April 8, 2005, page 5.

Claims 4, 5, 11, 12, 18 and 19 are dependent claims depending from independent claims 1, 8, and 15, respectively. Although Hasser may teach communication of graphic data provided by tactile sensing and audio related user aids, the features relied upon as taught in the Barber reference are not taught or suggested by that reference, as explained above in the response to the rejection of claims 1, 8, and 15 above.

Furthermore, neither McLaughlin nor Hasser cures the deficiencies of Barber. Neither McLaughlin nor Hasser teaches the features missing from Barber, including analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors, ranking the determined critical factors according to respective priorities set for each of the critical factors, and generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, nor does the Examiner point to any portion of McLaughlin or Hasser that teaches these features.

In view of the above, Applicants submit that dependent claims 4, 5, 11, 12, 18, and 19 are not taught or suggested by Barber in view of McLaughlin and further in view of Hasser. Applicants have already demonstrated independent claims 1, 8 and 15 to be in

condition for allowance. Applicants respectfully submit that claims 4, 5, 11, 12, 18, and 19 are also allowable at least by virtue of depending from an allowable claim.

Therefore, the rejection of claims 4, 5, 11, 12, 18 and 19 under 35 U.S.C. § 103(a) has been overcome.

V. 35 U.S.C. § 103, Obviousness, Claims 7, 14 and 21

The Examiner has rejected claims 7, 14 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Discolo et al. (U.S. Patent No. 6,370,566) (hereinafter "Discolo"). This rejection is respectfully traversed.

As to claims 7, 14 and 21 the Examiner states:

As per claims 7, 14 and 21, which is dependent on claim 1, modified Barber does not disclose the step of generating said textual description of the set of graphical data includes generating said textual description in accordance with one or more textual templates. Discolo discloses that at col. 22, lines 31-32. It would have been obvious to an artisan at the time of the invention to use the teaching from Discolo of generating the textual description in accordance with one or more textual templates in modified Barber's system since it would make the process run faster by retrieving the textual description directly from the textual templates.

Office Action dated April 8, 2005, page 6.

Claims 7, 14 and 21 are dependent claims depending from independent claims 1, 8, and 15, respectively. The Barber reference still does not teach or suggest all the claim limitations in claims 7, 14 and 21, as argued in the response to the rejection of claims 1, 8, and 15 above.

Furthermore, neither McLaughlin nor Discolo cures the deficiencies of Barber. Neither McLaughlin nor Discolo teaches the features missing from Barber, including analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors, ranking the determined critical factors according to respective priorities set for each of the critical factors, and generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, nor does the Examiner point to any portion of McLaughlin or Discolo that teach these features.

Thus, claims 7, 14 and 21 are patentable over the cited references because the combination of Barber in view of McLaughlin and further in view of Discolo would not teach the presently claimed invention. Applicants have already demonstrated independent claims 1, 8 and 15 to be in condition for allowance. Applicants respectfully submit that claims 7, 14 and 21 are also allowable at least by virtue of depending from an allowable claim.

Therefore, the rejection of claims 7, 14, and 21 under U.S.C. § 103 has been overcome.

VI. 35 U.S.C. § 103, Obviousness, Claims 27-30

The Examiner has rejected claims 27-30 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of applicant's admitted prior art. This rejection is respectfully traversed.

As to claims 27-30 the Examiner states:

As per claim 27, modified Barber does not disclose the graphical data is selected from a group of GIF, JPEG, and PNG type data format. Applicant's admitted prior art disclose that in page 3, lines 4-6. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of selecting graphical data from a group of GIF, JPEG, and PNG type data format in modified Barber's system since it would enable the system to work with different types of data formats.

As per claim 28, modified Barber does not disclose the set of critical factors includes characteristics of data illustrated in a displayed multi-dimensional graph. Applicant's admitted prior art disclose that in page 3, lines 10-16. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of illustrating the set of critical factors in a displayed multi-dimensional graph in modified Barber's system since it would help a user easily visualize critical factors on the multi-dimensional graph.

Office Action dated April 8, 2005, pages 6-7.

Claims 27-30 are dependent claims depending from independent claims 1, 8, and 15, respectively. The Barber reference still does not teach or suggest all the claim limitations in claims 27-30, as argued in the response to the rejection of claims 1, 8, and 15 above.

Furthermore, neither McLaughlin nor Applicant's admitted prior art cures the deficiencies of Barber. Neither McLaughlin nor Applicant's admitted prior art teaches the features missing from Barber, including analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors, ranking the determined critical factors according to respective priorities set for each of the critical factors, and generating a textual description of the set of graphical data, ordered according to the priorities of each of the respective critical factors, nor does the Examiner point to any portion of McLaughlin or Applicant's admitted prior art that teaches these features.

In view of the above, Applicants submit that dependent claims 27-30 are not taught or suggested by Barber in view of McLaughlin and further in view of Applicant's admitted prior art. Applicants have already demonstrated independent claims 1, 8 and 15 to be in condition for allowance. Applicants respectfully submit that claims 27-30 are also allowable at least by virtue of depending from an allowable claim.

Therefore, the rejection of claims 27-30 under U.S.C. § 103 has been overcome.

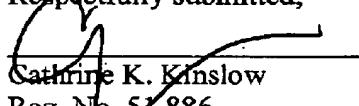
VII. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: July 1, 2005

Respectfully submitted,


Catherine K. Kinslow
Reg. No. 51,886
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants

CK/bj